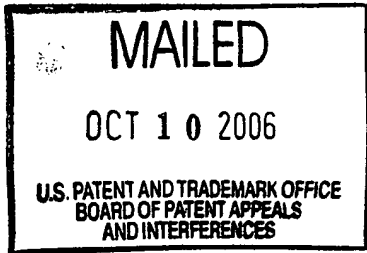


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte CURTIS C. BALLARD

Application 10/007,116

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on October 3, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matter requiring attention prior to docketing is identified below:

An examination of the Image File Wrapper (IFW) reveals that an Examiner's Answer was mailed May 17, 2006.

Section § 1207.02 of the Manual of Patent Examining Procedure
(MPEP) (8th Ed., Rev. 3, August 2005) states:

Requirements for Examiner's Answer

The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

....

(8) Evidence Relied Upon. A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and, in the case of nonpatent references, the relevant page or pages.

It is noted that while the Examiner's Answer states that "[n]o evidence is relied upon by the examiner in the rejection of the claims under appeal" [page 4 under the caption "(8) Evidence Relied Upon"], the claim rejections¹ are listed as follows:

Claims 2, 3, 5, 6 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Conrad et al. U.S. Patent No. 6892236 (hereinafter Conrad) [page 5];

Claims 4, 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conrad as applied to claims 22 and 2 above, and in view of Reichman U.S. Patent No. 6738813 [page 7];

¹ The new ground of rejection of claims 2-11 and 22 under 35 U.S.C. § 112, first paragraph, was withdrawn. See the Office communication mailed September 7, 2006.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conrad and Reichman as applied to claims 22 and 7 above, and in view of Oskay et al. (5642337) (hereinafter Oskay) [page 9];

Claims 11 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conrad and Reichman as applied to claims 1 and 12, and in view of Moberg et al. (6738826) (hereinafter Moberg) [page 10]; and

Claim[s] 12, 14, 15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conrad and Moberg [page 11].

Correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) for submission of a revised Examiner's Answer which corrects the "Evidence Relied Upon" section; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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DMS/psb

Application 10/007,116

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